THE HON'BLE SMT JUSTICE T.MEENA KUMARI

and

THE HON'BLE SRI JUSTICE P.LAKSHMANA REDDY

WRIT PETITION NO : 34284 of 1998

Date: 04.10.2005

Between:

K. Nagesreedhar

… Petitioner

and

The District Collector/Chairman, Section Committee, Rehabilitation of Displaced Persons, Kurnool & others

… REspondents

THE HON'BLE SMT JUSTICE T.MEENA KUMARI

and

THE HON'BLE SRI JUSTICE P.LAKSHMANA REDDY

WRIT PETITION NO : 34284 of 1998

ORDER: *(per the Hon'ble Smt. Justice T. Meena Kumari)*

The petitioner claims that his lands and house were submerged under Srisailam project Back Waters and since meager compensation was paid to him, he sought to refer the matter to the civil Court seeking enhancement of the compensation. While so, the Government issued G.O.Ms.No.98, dated 15.04.1986, in order to provide employment to the family members of the displaced persons, whose houses and lands were acquired for the purpose of

construction of Srisailam Project. Pursuant to the same, the petitioner submitted an application requesting that his case be considered for appointment as Attender or in any other equivalent post. However, the same was rejected on the ground that the petitioner received compensation more than Rs.25,000/- and he did not possess requisite qualifications as on the date of passing the award and accordingly issued a rejection memo dated 16.09.1997. Challenging the same, the petitioner filed O.A.No.6628 of 1998 before the A.P. Administrative Tribunal at Hyderabad. The said O.A. was disposed of with a direction to the petitioner to make a representation to the authority concerned within two weeks from the date of receipt of that order and on such representation the authority concerned was directed to examine the same in accordance with the G.Os. and instructions issued by the Government and pass appropriate orders therein within two months thereafter.

The learned counsel for the petitioner contends that in view of the Judgment of this Court, dated 11.06.1996, in W.A.No.1330 of 1995, the application made by the petitioner has to be considered afresh in accordance with the existing Rules.

There is no dispute that the lands of the petitioner were submerged under Srisailam Project Back Waters and since meager compensation was paid to him, he sought to refer the matter to the Civil Court for enhancement of compensation. The grievance of the petitioner is that pursuant to G.O.Ms.No.98, dated 15.04.1986 and G.O.Ms.No.148, dated 01.08.1991, though he applied for the post of Attender or equivalent post, his case was rejected on the ground that he did not possess requisite qualifications as on the date of passing the award.

The Division Bench of this Court in the writ appeal referred to above observed that the intention of the scheme is to rehabilitate the members of the displaced families, hence they cannot be deprived of the employment merely on the ground that they are not eligible as on the date of passing the award. Further it observed that the cases of the persons, who are qualified, otherwise on the date of consideration for the appointment, must be considered equally with the others who are qualified on the date of award.

Admittedly, no other family member of the petitioner has been provided

with any employment. Therefore, in the light of the above, we deem it more appropriate to direct the respondents to re-consider the case of the petitioner and pass appropriate orders in accordance with the existing Rules, within six months from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of. There shall be no order as to costs.

(T. Meena Kumari.J)

(P. Lakshmana Reddy.J)

04.10.2005

ksld